

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Notification

1/17/74-PER (Vol. III)

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs' Notification No. F.7(11)/62-Goa dated 25-7-1963, the Lieutenant Governor of Goa, Daman and Diu is pleased to make the following rules amending the "Government of Goa, Daman and Diu, Goa College of Pharmacy Group 'C', Non-Ministerial, Non-gazetted post Recruitment Rules, 1979" issued vide notification No. 1-17-74-Div. I Vol. III) dated 11-7-79 published in the Official Gazette No. 17, Series I dated 26-7-1979.

1. *Short title and commencement.* — (i) These rules may be called "Government of Goa, Daman and Diu Goa College of Pharmacy Group 'C', Non-ministerial, Non-gazetted Post Recruitment (First Amendment) Rules, 1980.

(ii) They shall come into force at once.

2. In the Schedule appended to the said notification —

(a) Against the post of Documentation Assistant for the existing entry viz. Age: No. Qln: Yes, in Col. 8 substitute:

"N. A."

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).
Panaji, 17th October, 1980.

Law Department (Legal Advice)

Notification

7/1/80-LGL

The following Ordinance which was recently promulgated by the President of India on 23-9-1980

is hereby republished for general information of the public.

R. V. Durbhatker, Under Secretary (Law).

Panaji, 9th October, 1980.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 23rd September, 1980

Asvina 1, 1902 (Saka)

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ORDINANCE, 1980

No. 12 of 1980

Promulgated by the President in the Thirty-first Year of the Republic of India.

An Ordinance further to amend the Code of Criminal Procedure, 1973.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance: —

1. *Short title and commencement.* — (1) This Ordinance may be called the Code of Criminal Procedure (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

2. *Act 2 of 1974 to be amended temporarily.* — During the period of operation of this Ordinance, the Code of Criminal Procedure, 1973 (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 to 9.

3. *Amendment of sections 108, 109 and 110.* — In sections 108, 109 and 110 of the principal Act, for the words "a Judicial Magistrate of the first class", the words "an Executive Magistrate" shall be substituted.

4. *Amendment of section 196.* — In section 196 of the principal Act, —

(a) in sub-section (1), in clause (a), for the words, figures and letters "section 153B, sec-

tion 295A or section 505", the words, figures, letter and brackets "section 295A or sub-section (1) of section 505" shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) No Court shall take cognizance of —

(a) any offence punishable under section 153B or sub-section (2) or sub-section (3) of section 505 of the Indian Penal Code, or 45 of 1860

(b) a criminal conspiracy to commit such offence,

except with the previous sanction of the Central Government or of the State Government or of the District Magistrate";

(c) in sub-section (3), for the words, brackets and figure "under sub-section (1)", the words, brackets, figures and letter "under sub-section (1) or sub-section (1A) and the District Magistrate may, before according sanction under sub-section (1A)" shall be substituted.

5. *Amendment of section 436.*—In section 436 of the principal Act, in sub-section (1), in the second proviso, after the word and figures "section 116", the words, figures and letter "or section 446A" shall be inserted.

6. *Amendment of section 437.*—In section 437 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) When any person accused of, or suspected of, the commission of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station or appears or is brought before a Court other than the High Court or Court of Session, he may be released on bail, but —

(i) such person shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life;

(ii) such person shall not be so released if such offence is a cognizable offence and he had been previously convicted of an offence punishable with death, imprisonment for life or imprisonment for seven years or more, or he had been previously convicted on two or more occasions of a non-bailable and cognizable offence:

Provided that the Court may direct that a person referred to in clause (i) or clause (ii) be released on bail if such person is under the age of sixteen years or is a woman or is sick or infirm:

Provided further that the Court may also direct that a person referred to in clause (ii) be released on bail if it is satisfied that it is just and proper so to do for any other special reason:

Provided also that the mere fact that an accused person may be required for being identified by witnesses during investigation shall not be sufficient ground for refusing to

grant bail if he is otherwise entitled to be released on bail and gives an undertaking that he shall comply with such directions as may be given by the Court.";

(b) in sub-section (2), for the words "the accused shall, pending such inquiry, be released on bail", the words, figures and letter "the accused shall, subject to the provisions of section 446A and pending such inquiry, be released on bail" shall be substituted;

(c) in sub-section (4), for the word "reasons", the words "reasons or special reasons" shall be substituted.

7. *Amendment of section 446.*—In section 446 of the principal Act, in sub-section (2), the following proviso shall be inserted, namely:—

"Provided that where such penalty is not paid and cannot be recovered in the manner aforesaid, the person so bound as surety shall be liable, by order of the Court ordering the recovery of the penalty, to imprisonment in civil jail for a term which may extend to six months."

8. *Insertion of new section 446A.*—After section 446 of the principal Act, the following section shall be inserted, namely:—

"446A. *Cancellation of bond and bail-bond.*—Without prejudice to the provisions of section 446, where a bond under this Code is for appearance of a person in a case and it is forfeited for breach of a condition —

(a) the bond executed by such person as well as the bond, if any, executed by one or more of his sureties in that case shall stand cancelled; and

(b) thereafter no such person shall be released only on his own bond in that case, if the Police Officer or the Court, as the case may be, for appearance before whom the bond was executed, is satisfied that there was no sufficient cause for the failure of the person bound by the bond to comply with its condition:

Provided that subject to any other provision of this Code he may be released in that case upon the execution of a fresh personal bond for such sum of money and bond by one or more of such sureties as the Police Officer or the Court, as the case may be, thinks sufficient."

9. *Substitution of new section for section 478.*—For section 478 of the principal Act, the following section shall be substituted, namely:—

"478. *Power to alter functions allocated to Executive Magistrates in certain cases.*—If the Legislative Assembly of a State by a resolution so permits, the State Government may, after consultation with the High Court, by notification, direct that references in sections 108, 109, 110, 145 and 147 to an Executive Magistrate shall be construed as references to a Judicial Magistrate of the first class."

10. *Consequential amendment of Act 34 of 1978.*—Section 72 of the Delhi Police Act, 1978 shall be omitted.

11. *Saving.* — All proceedings under sections 108, 109 and 110 of the principal Act, pending before any Judicial Magistrate immediately before the commencement of this Ordinance shall, notwithstanding anything contained in this Ordinance, be dealt with as if this Ordinance had not been promulgated.

N. SANJIVA REDDY,
President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/B/7/1481/80

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 15th October, 1980 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu School Education Bill, 1980

(Bill No. 27 of 1980)

ARRANGEMENT OF CLAUSES

CHAPTER I

Preliminary

Clauses

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

Registration of Schools

3. Registration of Schools.
4. Recognition not given to unregistered schools.
5. Power of Administrator to specify the scales of pay of teachers of unaided schools.
6. Excess income how to be spent.
7. Power of Administrator to specify the curricula of pre-primary schools.

CHAPTER III

Establishment, recognition, management of and aid to schools

8. Power of Government to regulate education in schools.
9. Recognition of schools.
10. Scheme of management.
11. Aid to recognised schools.

CHAPTER IV

School Property

12. School property.

CHAPTER V

Terms and conditions of service of employees of recognised private schools

13. Terms and conditions of service of employees of recognised private schools.

Clauses

14. Employees to be governed by the Code of Conduct.
15. Salaries of employees.
16. Chapter not to apply to unaided minority schools.

CHAPTER VI

Provisions applicable to unaided minority schools

17. Power to prescribe minimum qualification for recruitment.
18. Power to prescribe Code of Conduct.
19. Contract of service.

CHAPTER VII

Admission to schools and fees

20. Admission to recognised schools.
21. Fees and other charges.
22. School Fund and School Staff Account Fund.
23. Affiliations.

CHAPTER VIII

Taking over management of schools

24. Taking over management of schools.
25. Section 24 not to apply to minority schools.

CHAPTER IX

Miscellaneous

26. Advisory Board.
27. Delegation of powers.
28. Inspection of schools.
29. Jurisdiction of civil courts barred.
30. Protection of action taken in good faith.
31. Liability of manager to punishment.
32. Power to make rules.
33. Power to remove difficulties.

The Goa, Daman and Diu School Education Bill, 1980

(Bill No. 27 of 1980)

A

BILL

to provide for better organisation and development of School Education in the Union territory of Goa, Daman and Diu and for matters connected therewith or incidental thereto.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-first Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement* — (1) This Act may be called the Goa, Daman and Diu School Education Act, 1980.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Administrator may, by notification, appoint and different dates may be appointed for different provisions of this Act, and any reference to the commen-

cement of this Act in relation to any provision thereof shall be construed as a reference to the date on which that provision comes to force.

2. *Definitions.* — In this Act, unless the context otherwise requires, —

(a) "Administrator" means the Administrator of the Union territory appointed by the President under article 239 of the constitution;

(b) "Advisory Board" means the Board as constituted under section 26 of this Act;

(c) "aid" means any aid granted to a recognised school by the Administrator, or any other authority designated by the Administrator;

(d) "aided school" means a recognised private school which is receiving aid from the Administrator or any other authority designated by the Administrator;

(e) "appropriate authority" means the Administrator or any other officer authorised by him in this behalf;

(f) "Director" means the Director of Education, Government of Goa, Daman and Diu, and includes any other officer authorised by him to perform all or any of the functions of the Director under this Act;

(g) "employee" means a teacher and includes every other employee working in a recognised school;

(h) "existing employee" means an employee of an existing school who is employed in such a school immediately before the commencement of this Act;

(i) "existing school" means a recognised school which is in existence at the commencement of this Act;

(j) "Government" means the Government of Goa, Daman and Diu;

(k) "Head of school" means the principal academic officer by whatever name called, of a recognised school;

(l) "local authority" means —

(i) in relation to an area within the local limits of a Municipal Council constituted under the Goa, Daman and Diu Municipalities Act, 1968 the Municipal Council concerned;

Act No. 7
of 1969.

(ii) in relation to an area within the local limits of a Village Panchayat constituted under the Goa, Daman and Diu Village Panchayat Regulations, 1962 the Village Panchayat concerned;

Act No. 9
of 1962.

(m) "manager" in relation to a school, means the person by whatever name called, who is entrusted, either on the date on which this Act comes into force or, as the case may be, under a scheme of management made under section 10, with the management of the affairs of that school;

(n) "managing committee" means the body of individuals who are entrusted with the management of any recognised private school;

(o) "minority school" means a school established and administered by a minority having the right to do so under clause (1) of article 30 of the Constitution;

(p) "notification" means a notification published in the Official Gazette;

(q) "prescribed" means prescribed by rules made under this Act;

(r) "private school" means a school which is not run by the Central Government, Administrator, or any other authority designated or sponsored by the Central Government or Administrator;

(s) "public examination" means an examination conducted by the Central Board of Secondary Education, Council for School Certificate Examinations or the Goa, Daman and Diu Board of Secondary and Higher Secondary Education or any other Board recognised by the Administrator or any other officer authorised by him in this behalf;

(t) "recognised school" means a school recognised by the appropriate authority;

(u) "school" includes a pre-primary, primary, middle, secondary and higher secondary school, and also includes any other institution which imparts education or training below the degree level, but does not include an institution which imparts technical education;

(v) "school property" means all movable and immovable property belonging to, or in the possession of, the school and all other rights and interests, in, or arising out of, such property, and includes land, building and its appurtenances, playgrounds, hostels, furniture, books, apparatus, maps, equipment, utensils, cash, reserve funds, investments and bank balances;

(w) "teacher" includes the Head of a school;

(x) "Tribunal" means the Administrative Tribunal constituted under the Goa, Daman and Diu Administrative Tribunal Act, 1965;

Act No. 5
of 1965.

(y) "unaided minority school" means a recognised minority school which does not receive any aid;

(z) "Union territory" means the Union territory of Goa, Daman and Diu.

CHAPTER II

Registration of Schools

3. *Registration of Schools.* — (1) There shall be a register of all schools functioning in the Union territory (hereinafter referred to as the "Register of Schools") and the Administrator shall enter, or cause to be entered, therein, the prescribed particulars in relation to each such school.

(2) Every School functioning in the Union territory at the commencement of this Act, and every school opened or established thereafter shall, within a period of three months from such commencement or, as the case may be, from the date of opening or establishment of such school, make an application to the Administrator, in such form

and on payment of such fees, not exceeding rupees five, as may be prescribed, for the registration of such school;

(3) No application for the registration of a school shall be granted unless the Administrator, after making such inquiry as he may think fit, is satisfied that —

(a) the premises in which the school is functioning, or is proposed to function, is suitable for the purpose of running a school therein and fulfils the prescribed norms with regard to accommodation, adequacy of the number of teaching staff, qualifications of the teaching staff, sanitary arrangements and the like;

(b) the number of students on the rolls of the school, or proposed to be admitted in the school, justifies the functioning of, or, as the case may be, the establishment of the school;

(c) the fees charged, or proposed to be charged, from the students are commensurate with the standards of education imparted, or proposed to be imparted, at the school; and

(d) the affairs of the school are regulated by a managing committee constituted in accordance with the provisions of this Act or the rules made thereunder.

(4) The serial number assigned to a school in the Register of Schools shall be the registration number of that school and shall be communicated to that school by the appropriate authority.

(5) Every letter, order for goods, certificate or other document issued by or on behalf of a school, after the expiry of a period of six months from the commencement of this Act, shall contain a statement to the effect that the school has been registered under this Act and shall also indicate therein the registration number assigned to that school.

(6) The registration of any school may be cancelled if, after an inquiry into the affairs of the school, the Administrator is satisfied that the school has failed to comply with the norms referred to in sub-section (3) or has contravened any provision of this Act or any rule or order made thereunder:

Provided that no such cancellation shall be made except after giving the managing committee of the school a reasonable opportunity of showing cause against the proposed action.

(7) No person shall, after the expiry of the period specified in sub-section (2), except with the previous sanction of the appropriate authority, take part in the management of any unregistered school or any school the registration of which has been cancelled, under this Act:

Provided that nothing in this sub-section shall apply to a minority school.

(8) Whoever is aggrieved by any order made by the Administrator, registering or refusing to register or cancelling the registration, a school under this Act may, within thirty days from the date of the order, prefer an appeal against the order to the Tribunal, and the Tribunal may, on hearing the

appeal confirm, modify or reverse the order made by the Administrator.

(9) Every person who contravenes the provisions of sub-section (7) shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

4. *Recognition not given to unregistered schools.* — No school shall be recognised under this Act unless it has been, or is deemed to have been, registered under this Act.

5. *Power of Administrator to specify the scales of pay of teachers of unaided schools.* — The Administrator may, by notification, specify the minimum and the maximum scales of pay of the teachers of registered schools whether recognised or not.

6. *Excess income how to be spent.* — The excess of income over expenditure of each registered school shall be spent for such academic purposes as may be prescribed.

7. *Power of Administrator to specify the curricula of pre-primary schools.* — The curricula of studies in each pre-primary school, whether recognised or not, shall be such as may be specified by the Administrator.

CHAPTER III

Establishment, recognition, management of, and aid to Schools

8. *Power of Government to regulate education in schools.* — (1) The Government may regulate education in all the schools in the Union territory in accordance with the provisions of this Act and the rules made thereunder.

(2) The Government may establish and maintain any school in the Union territory or may permit any person or local authority to establish and maintain any school in the Union territory, subject to compliance with the provisions of this Act and the rules made thereunder.

(3) On and from the commencement of this Act and subject to the provisions of clause (1) of article 30 of the Constitution, the establishment of a new school or the opening of a class or section of a class or the closing down of an existing class or any section of an existing class in any existing school in the Union territory, shall be subject to the provisions of this Act and the rules made thereunder and any school or class or section established or opened otherwise than in accordance with the provisions of this Act or the rules made thereunder shall not be recognised by the appropriate authority.

9. *Recognition of schools.* — (1) The appropriate authority may, on an application made to it in the prescribed form and in the prescribed manner, recognise any private school:

Provided that no school shall be recognised unless —

(a) it has adequate funds to ensure its financial stability and regular payment of salary

and allowances and other benefits to its employees;

(b) it has a scheme of management as required by section 10;

(c) it has suitable or adequate accommodation and sanitary facilities having regard, among other factors, to the number, age and sex of the pupils attending it;

(d) it provides for approved courses of study and efficient instruction;

(e) it has teachers with prescribed qualification;

(f) it has the prescribed facilities for physical education, library service, laboratory work, workshop practice and co-curricular activities; and

(g) it gives an undertaking that it will follow the provisions of this Act and the rules made thereunder.

(2) Every application for recognition of a school shall be entertained and considered by the appropriate authority and the decision thereon shall be communicated to the applicant within a period of four months from the date of the receipt of the application and where recognition is not granted, the reasons for not granting such recognition shall also be communicated to the applicant within the said period.

(3) Where recognition to a school is refused, any person aggrieved by such refusal may, within thirty days from the date of communication to him, of such refusal, appeal against such refusal in the prescribed manner to the Tribunal and the decision of the Tribunal thereon shall be final:

Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of thirty days, extend, for reasons to be recorded by it in writing, the said period by a further period of sixty days.

(4) Where the managing committee of a school obtains recognition by fraud, misrepresentation or suppression of material particulars, or where, after obtaining recognition, the school fails to continue to comply with any of the conditions specified in the proviso to sub-section (1), the authority granting the recognition may, after giving the managing committee of the school a reasonable opportunity of showing cause against the proposed action, withdraw the recognition granted to such school under sub-section (1).

(5) The recognition granted under sub-section (1) shall not, by itself, entitle any school to receive aid.

(6) Every existing school which fulfils the provisions of this Act and the rules made thereunder with regard to the recognition of schools, shall be deemed to have been recognised under this section and every such school shall be subject to the provision of this Act and the rules made thereunder:

Provided that where any such school does not satisfy any of the conditions specified in the proviso to sub-section (1), the prescribed authority

may, by order, require the school to satisfy such conditions and such other conditions as may be prescribed, within the period specified in the order and if any such condition is not satisfied within the period so specified, recognition may be withdrawn from such school:

Provided further that where any recognised school does not, at the commencement of this Act, satisfy any of the conditions specified in the proviso to sub-section (1), the prescribed authority may, by order, require the school to satisfy, within the period specified therein such conditions and such other prescribed conditions as may be specified in the order and if any such condition is not satisfied within the period so specified, recognition may be withdrawn from such school.

(7) Every school, whose recognition is withdrawn under sub-section (4) or sub-section (6), may appeal within a period of three months from the date of the withdrawal of recognition to the Tribunal which shall dispose of the appeal within six months from the date of presentation of the appeal in such manner as may be prescribed, and if the appeal is not disposed of within the period, the order for the withdrawal of recognition shall, on the expiry of the said period of six months, stand cancelled.

(8) On hearing an appeal preferred under sub-section (3) or sub-section (7), the Tribunal, after giving the appellant a reasonable opportunity of being heard, confirm, modify or reverse the order appealed against.

10. Scheme of Management.—(1) Notwithstanding anything contained in any other law for the time being in force or in any instrument having effect by virtue of any such law, the managing committee of every recognised school shall make, in accordance with the rules made under this Act and with the previous approval of the appropriate authority, a scheme of management for such school:

Provided that in the case of a recognised private school which does not receive any aid, the scheme of management shall apply with such variations and modifications as may be prescribed:

Provided further that so much of this sub-section as relates to the previous approval of the appropriate authority, shall not apply to a scheme of management in relation to a minority school.

(2) A scheme may be made, in like manner, to add to, vary or modify any scheme made under sub-section (1).

11. Aid to recognised schools.—(1) Any authority specified in clause (c) of section 2 may distribute, out of the funds made available to it for the purpose, after due appropriation made by law as aid to recognised private schools, not being primary schools recognised by a local authority, such sums of money as it may consider necessary:

Provided that no existing school receiving aid, immediately before the commencement of this Act, shall be eligible for the continuance of such aid unless it complies with, within such period as may be specified by the authority aforesaid, the condi-

tions specified in the proviso to sub-section (1) of section 9 and the rules made under this Act relating to the grant or continuance of such aid.

(2) The authority competent to grant the aid may stop, reduce or suspend aid for violation of any of the provisions of this Act or the rules made thereunder.

(3) The aid may cover such part of the expenditure of the school as may be prescribed.

(4) No payment, out of the aid given for salary, allowance and provident fund of employees of the school, shall be made for any other purpose.

(5) No unrecognised school shall be eligible to receive any aid or any benefit made available to private schools by the authority specified in clause (c) of section 2.

CHAPTER IV

School Property

12. *School Property.*— (1) The management of every aided school shall furnish to the appropriate authority, initially at the time of grant of aid and thereafter annually, a statement containing a list of school property together with such particulars as may be prescribed.

(2) No aided school shall transfer any property if, by such transfer, any of the facilities referred to in the proviso to sub-section (1) of section 9 is likely to be prejudicially affected.

(3) Notwithstanding anything contained in any other law for the time being in force, no transfer, mortgage or lease of any movable or immovable property of an aided school, not being the property specified in the rules, shall be made except with the previous permission of the appropriate authority:

Provided that where the appropriate authority omits or fails to dispose of the application for such permission within sixty days from the date of receipt of the application in this behalf the permission shall, on the expiry of the said period of sixty days, be deemed to have been granted.

(4) Any person aggrieved by the grant or refusal of permission under sub-section (3) may prefer, in such form and within such time as may be prescribed, appeal to the Tribunal against such grant or refusal of permission and the decision of the Tribunal thereon shall be final.

(5) Any transaction made in contravention of the provisions of sub-section (3), shall be void.

CHAPTER V

Terms and conditions of service of employees of recognised private schools

13. *Terms and conditions of service of employees of recognised private schools.*— (1) The Administrator may make rules regulating the recruitment, minimum qualifications for recruitment, and the conditions of service of employees of recognised private schools:

Provided that neither the salary nor the rights in respect of absence, age of retirement and pension

of an employee in the employment of an existing school at the commencement of this Act shall be varied to the disadvantage of such employee:

Provided further that every such employee shall be entitled to opt for terms and conditions of service as they were applicable to him immediately before the commencement of this Act.

(2) Subject to any rule that may be made in this behalf, no employee of a recognised private school shall be dismissed, removed or reduced in rank nor shall his service be otherwise terminated except with the prior approval of the Director.

(3) Any employee of a recognised private school who is dismissed, removed or reduced in rank may, within three months from the date of communication to him of the order of such dismissal, removal or reduction in rank, appeal against such order to the Tribunal.

(4) Where the managing committee of a recognised private school intends to suspend any of its employees, such intention shall be communicated to the Director and no such suspension shall be made except where a disciplinary proceeding is contemplated or pending, and except with the prior approval of the Director:

Provided that no such suspension shall remain in force for a period not exceeding six months, which period may with the prior approval of the Director and for reasons directly attributable to the teacher and recorded in writing, be extended by a further period of three months at a time:

Provided further that the managing committee may suspend an employee with immediate effect and without the prior approval of the Director if it is satisfied that such immediate suspension is necessary by reasons of the gross misconduct, within the meaning of the Code of Conduct prescribed under section 14, of the employee:

Provided also that no such immediate suspension shall remain in force for more than a period of fifteen days from the date of suspension unless it has been communicated to the Director and approved by him before the expiry of the said period.

(5) Where the intention to suspend, or the immediate suspension of, an employee is communicated to the Director, he may, if he is satisfied that there are adequate and reasonable grounds for such suspension, accord his approval to such suspension.

(6) In its application to an aided minority school,—

(a) sub-section (2) shall have effect as if for the words "except with the prior approval of the Director", occurring therein, the words "except after an inquiry in accordance with the procedure specified in the said rule" had been substituted;

(b) sub-section (4) shall have effect subject to the modification that the requirement relating to the approval of the Director shall not apply.

(7) The provisions of sub-section (1) and the provisions of sub-section (2), as modified by sub-section (6) shall apply, and the provisions of

sub-section (3) and (5) shall not apply to an aided minority school.

14. *Employees to be governed by a Code of Conduct.* — (1) Every employee of a recognised school shall be governed by such Code of Conduct as may be prescribed and on the violation of any provision of such Code of Conduct, the employee shall be liable to such disciplinary action as may be prescribed.

(2) The Code of Conduct shall prescribe, among other things, that no employee shall:

- (a) neglect his duties in teaching or curricular activities;
- (b) propagate communal, caste or sectarian outlook;
- (c) make discrimination among the students;
- (d) indulge in malpractices connected with examination;
- (e) be irregular in attending the school;
- (f) accept any object of remunerative character from any source or give private tuitions;
- (g) prepare or publish any book known as keys or guides;
- (h) engage himself as selling agent of any publishing firm.
- (i) indulge in political activities or incite the students in violent activities;
- (j) raise funds without the sanction of the Director;
- (k) enter into monetary transactions with the students or parents.

15. *Salaries of employees.* — (1) The scales of pay and allowances, pension, gratuity, provident fund and other prescribed benefits of the employees of a recognised private school shall not be less than those of the employees of the corresponding status in schools run by the appropriate authority:

Provided that where the scales of pay and allowances, pension, gratuity, provident fund and other prescribed benefits of the employees of any recognised private school are less than those of the employees of the corresponding status in the schools run by the appropriate authority, the appropriate authority shall direct, in writing, the managing committee of such school to bring the same up to the level of those of the employees of the corresponding status in schools run by the appropriate authority:

Provided further that the failure to comply with such direction shall be deemed to be non-compliance with the conditions for continuing recognition of an existing school and the provisions of section 9 shall apply accordingly:

Provided also that in each recognised school which does not receive any aid, there shall be a Fund, to be called "the Employees Retirement Benefit Fund", and there shall be credited to that Fund every contributions made by the school and the employees towards retirement benefits.

(2) The managing committee of every aided school shall deposit in each month, not later than the

fifth day of that month, its share in the School Staff Account Fund or in such other Fund as the Administrator may specify and the Administrator shall disburse, or cause to be disbursed within the first week of every month, the salaries and allowances to the employees of the aided schools.

(3) Where the managing committee of any aided school omits or fails to deposit its share of the expenses specified in sub-section (2) for a period of three consecutive months, the management of such school shall, on the expiry of the said period, be deemed to have been taken over by the Administrator under section 24, and thereupon, the provisions of section 24 shall apply as if an order had been made thereunder taking over the management of such school:

Provided that the management of the school shall be restored to its managing committee on payment by it, in full, of the arrears of the shares of expenses referred to in sub-section (2).

16. *Chapter not to apply to unaided minority schools.* — Save as otherwise provided elsewhere in this Chapter, nothing contained in this Chapter shall apply to an unaided minority school.

CHAPTER VI

Provisions applicable to unaided minority schools

17. *Power to prescribe minimum qualifications for recruitment.* — The Administrator may make rules regulating the minimum qualifications for, and method of recruitment of employees of unaided minority schools:

Provided that no qualification shall be varied to the disadvantage of an existing employee of an unaided minority school.

18. *Power to prescribe Code of Conduct.* — Every employee of an unaided minority school shall be governed by such Code of Conduct as may be prescribed.

19. *Contract of service.* — (1) The managing committee of every unaided minority school shall enter into a written contract of service with every employee of such school:

Provided that if, at the commencement of this Act, there is no written contract of service in relation to any existing employee of an unaided minority school, the managing committee of such school shall enter into such contract within a period of three months from such commencement:

Provided further that no contract referred to in the foregoing proviso shall vary to the disadvantage of any existing employee the term of any contract subsisting at the commencement of this Act between him and the school.

(2) A copy of every contract of service referred to in sub-section (1) shall be forwarded by the managing committee of the concerned unaided minority school to the appropriate authority who shall, on receipt of such copy, register it in such manner as may be prescribed.

(3) Every contract of service referred to in sub-section (1) shall provide for the following matters, namely:—

(a) the terms and conditions of service of the employee, including the scale of pay and other allowances to which he shall be entitled;

(b) the leave of absence, age of retirement, pension and gratuity, or contributory provident fund in lieu of pension and gratuity, and other benefits to which the employee shall be entitled;

(c) the penalties which may be imposed on the employees for the violation of any Code of Conduct or the breach of any term of the contract entered into by him;

(d) the manner in which disciplinary proceedings in relation to the employee shall be conducted and the procedure which shall be followed before any employee is dismissed, removed from service or reduced in rank;

(e) settlement of any dispute arising out of any break of contract between the employee and the managing committee with regard to:

(i) the scale of pay and other allowances,

(ii) leave of absence, age of retirement, pension, gratuity, provident fund, and other benefits,

(iii) any disciplinary action leading to the dismissal or removal from service or reduction in rank of the employee;

(f) any other matter which, in the opinion of the managing committee, ought to be, or may be, specified in such contract.

CHAPTER VII

Admission to schools and fees

20. *Admission to recognised schools.*— (1) A child who has not attained the age of five years on or before the 1st day of June of the year in which the admission of such child is sought shall not be admitted to class I, or an equivalent class or any class higher than class I, in a recognised school.

(2) A student seeking admission for the first time in a recognised school in a class higher than class I shall not be admitted to that class if his age reduced by the number of years of normal school study between that class and class I or an equivalent class, falls short of five years.

(3) Admission to a recognised school or to any class thereof shall be regulated by rules made in this behalf.

21. *Fees and other charges.*— (1) No aided school shall levy any fee or collect any other charge or receive any other payment except those specified by the Director.

(2) Every aided school having different rates of fees or other charges or different funds shall obtain prior approval of the prescribed authority before levying such fees or collecting such charges or creating such funds.

(3) The manager of every unaided recognised school shall, before the commencement of each

academic session, file with the Director a full statement of the fees and the charges to be levied by such school with the approval of the Director of Education during the ensuing academic session, and except with the prior approval of the Director, no such school shall charge, during the academic session any fee in excess of the fee specified by its manager in the said statement.

22. *School Fund and School Staff Account Fund.*—

(1) In every aided school, there shall be two Funds to be called, respectively, the "School Fund" and the "School Staff Account Fund".

(2) There shall be credited to the School Fund,—

(a) any aid (other than maintenance grant) granted by the Administrator;

(b) income other than income from fees accruing to the school;

(c) any other contributions, endowments and the like.

(3) There shall be credited to the School Staff Account Fund,—

(a) the aid granted by the Administrator by way of maintenance grant;

(b) income accruing to the school by way of fees;

(c) the managing committee's share of expenses referred to in sub-section (2) of section 15.

(4) The School Fund and all other funds, including the Pupils' Fund, established with the approval of the Administrator, shall be accounted for and operated in accordance with the rules made under this Act.

(5) In every recognised unaided school, there shall be a fund, to be called the "Recognised Unaided School Fund", and there shall be credited thereto income accruing to the school,—

(a) by way of fees or other charges,

(b) save as otherwise provided in clause (a), charges and payments which may be realised by the school for other specified purposes, and

(c) any other contributions, endowments, gifts and the like

(6) (a) Income derived by unaided schools by way of fees or other charges shall be utilised only for such educational purposes as may be prescribed; and

(b) save as otherwise provided in clause (a) charges and payments realised and all other contributions, endowments and gifts received by the school shall be utilised only for the specific purpose for which they were realised or received.

(7) The managing committee of every recognised private school shall file every year with the Director such duly audited financial and other returns as may be prescribed, and every such return shall be audited by such authority as may be prescribed.

23. *Affiliations.*— (1) For the purpose of any public examination every recognised higher secondary school shall be affiliated to one or more of the Boards or Council conducting such examinations and

shall fulfil the conditions specified by the Board or Council in this behalf:

Provided that no Board or Council conducting any public examination shall affiliate any school unless such school has been recognised under this Act and such recognition is in force.

(2) The students of recognised higher secondary schools shall be prepared for, and presented to, the public examinations or such other form of evaluation held or made for the students of such schools.

(3) Save as otherwise provided in sub-section (2), the students of every recognised school shall be —

(a) prepared for, and presented to, such public examination as may be held by the Director or any other officer or authority specified by the Administrator, or

(b) subjected to such internal evaluation or assessment as may be prescribed.

CHAPTER VIII

Taking over management of schools

24. *Taking over management of schools.* — (1) Whenever the Administrator is satisfied that the managing committee or manager of any recognised school, —

(i) has contravened any provision of this Act or of any rule or order made thereunder, or

(ii) has neglected to perform any duty or obligation imposed on it by or under this Act, or

(iii) has mismanaged the affairs of the school or has misappropriated or has misapplied any money standing to the credit of any Fund of the School, or

(iv) has managed the affairs of the school in a manner prejudicial to the public interest, or

(v) has omitted or neglected to pay its share towards the pay and allowances, medical facility, pension, gratuity, provident fund, and other prescribed benefits of the employees of the school, in accordance with the provisions of sub-section (2) of section 15, or

(vi) has closed down the school or any class or section of the school without the previous approval of the Administrator, or

(vii) has made a written representation expressing its inability to run the school,

and that it is expedient in the public interest or in the interests of school education or in order to secure the proper management of the school to take over the management of such school, he may, after giving the managing committee or the manager of such school a reasonable opportunity of showing cause against the proposed action, take over the management of such school for a limited period not exceeding three years:

Provided that where the management of a school has been taken over for a period of three years or less, the Administrator may, if he is of opinion that in order to secure proper management of the school it is expedient that such management should

continue to be in force after the expiry of the said limited period, he may, from time to time, issue directions for the continuance of such management for such period not exceeding one year at a time as he may think fit, so, however, that the total period for which such management is taken over shall not, in any case, exceed five years.

(2) Whenever the management of any school is taken over under sub-section (1), every person in charge of the management of such school immediately before its management is taken over, shall deliver possession of the school property to the Administrator or any officer authorised by him in this behalf.

(3) After taking over the management of any school under this section, the Administrator may arrange to manage the school through the Director or any other persons or body of persons authorised by the Director in this behalf, subject to such terms and conditions and on such remunerations as he may specify (hereinafter referred to as the authorised officer or authorised body, as the case may be).

(4) Where the management of any school has been taken over under sub-section (1), the managing committee or manager of such school may within three months from the date of taking over, make a representation to the Administrator, who may after considering the representation made by the managing committee or the manager, pass such orders, including an order for the restoration of the management or for the reduction of the period during which the management of such school shall remain vested in the Administrator, as he may deem fit.

(5) Where the management of a school has been taken over under this section, the Administrator shall pay or cause to be paid such rent as may be payable for the building of the school to the person entitled to receive it as was being paid by the managing committee or the manager immediately before the management of such school was taken

(6) During such period as any school remains under the management of the authorised officer or authorised body, —

(a) the service conditions, as approved by the Administrator, of the employees of the school who were in employment immediately before the date on which the management was taken over, shall not be varied to their disadvantage;

(b) all educational facilities which the school had been affording immediately before such management was taken over, shall continue to be afforded;

(c) the School Fund, the School Staff Account Fund and the Pupils' Fund available to the authorised officer or authorised body, for being spent for the purposes of the school;

(d) no resolution passed at any meeting of the managing committee of such school shall be given effect to unless approved by the Administrator; and

(e) the authorised officer or authorised body shall have, and any person in charge of the management of the school at any time before

the date on which the management of the school is taken over under sub-section (1) shall not have, the right to open any account in any bank on behalf of the school or operate any account maintained by the school at any bank or to draw money from any Fund referred to in section 22.

(7) If at any time it appears to the Administrator, on the application of the managing committee or manager of the school or otherwise, that the purpose for which the management of the school was taken over has been fulfilled or that for any other reason it is not necessary that the school should be continued to be managed by him, he may cancel the order made by him under sub-section (1) and, may restore the management of the school to its managing committee and thereupon the management of the control of the school shall vest in the managing committee.

(8) Whenever the management of any school is taken over by the Administrator under this section, it shall be lawful for him to make such provisions with regard to the scales of pay and other conditions of service, seniority, pension and other retirement benefits of the employees on an equal footing with the employees of similar schools run by Government.

(9) If, on the expiry of the period specified under sub-section (1) or the extended period specified under the proviso to that sub-section, the managing committee does not take over the management of the school, the Administrator shall, notwithstanding anything contained in sub-section (1), continue to remain in charge of the management of the school, and he shall, by a notice, require the managing committee to take over the management of the school. If the Administrator does not, within one month from the date of despatch of the letter, receive any reply thereto, he shall, within fourteen days after the expiry of the month, send to the managing committee of the school, by post, a registered letter referring to the first letter and stating that no reply thereto has been received and that if a reply is not received to the second letter within one month of the date thereof, a notice shall be published in the Official Gazette declaring the society, trust or other association of individuals owning or managing the school to be defunct:

Provided that, at any time within twenty years from the date of publication of the notice in the Official Gazette, any rightful owner of the school comes forward to take over the management of the school and its assets, the Administrator shall transfer the school together with its assets and liabilities to such rightful owner, and thereupon the school and its assets and liabilities shall cease to remain vested in the Government.

(10) Where the management of an aided school has been taken over by the Administrator, the authority granting such aid shall continue to make grant-in-aid to the school, and if the managing committee of the school does not pay its share of the expenses in accordance with the provisions of sub-section (2) of section 15, the grant-in-aid shall be made to the full extent admissible under this Act or the rules made thereunder.

(11) Where the management of any school had been taken over by the Administrator before the

commencement of this Act, and such management was continuing at such commencement, and the managing committee of such school has not, after such commencement, taken any steps to take over the management of the school from the Administrator, it shall be lawful for the Administrator to continue to manage such school and to make grant-in-aid to the school to the full extent admissible under this Act or the rules made thereunder.

25. *Section 24 not to apply to minority schools.* — Nothing contained in section 24 shall apply to any unaided minority school.

CHAPTER IX

Miscellaneous

Schools Education Advisory Board

26. *Advisory Board.* — (1) There shall be constituted an advisory board to be called the Goa, Daman and Diu School Education Board (hereinafter referred to as the Advisory Board) for the purpose of advising the Government on matters of policy relating to education in the Union territory.

(2) The composition of the Advisory Board shall be as follows, namely: —

(a) the Chairman of the Goa, Daman and Diu Board of Secondary and Higher Secondary Education, ex officio;

(b) three persons, who are the Heads of recognised private schools;

(c) three representatives of organisations of teachers of recognised private schools;

(d) three representatives of the managements of recognised private schools;

(e) two representatives of the Universities to which the colleges in the Union territory are for the time being affiliated;

(f) the principal of one of the colleges in the Union territory;

(g) two members of the Legislative Assembly of the Union territory to be nominated by the Speaker;

(h) two eminent educationists;

(i) two representatives of parents and guardians of the students of recognised private schools;

(j) two representatives of the students of recognised private schools.

(3) The Chairman of the Goa, Daman and Diu Board of Secondary and Higher Secondary Education shall be the Chairman of the Advisory Board and the members referred to in clauses (b), (c), (d), (e), (f), (h), (i) and (j) of sub-section (2) shall be nominated by the Administrator.

(4) The Advisory Board shall regulate its own procedure,

(5) The term of office of every member of the Advisory Board and travelling and other allowances payable to a member of the Advisory Board shall be such as may be prescribed.

27. *Delegation of Powers.* — (1) The Administrator may delegate all or any of his powers, duties and functions under this Act or under any rules

made thereunder to the Director or any other Officer subordinate to him.

(2) Every person to whom any power is delegated under sub-section (1), may exercise that power in the same manner and with the same effect as if such power had been conferred on him directly by this Act and not by way of delegation.

28. *Inspection of Schools.* — (1) Every recognised school shall be inspected at least once in each financial year in such manner as may be prescribed.

(2) The Director may also arrange special inspection of any school on such aspects of its working as may, from time to time, be considered necessary to him.

(3) The Director may give directions to the manager requiring the manager to rectify any defect or deficiency found at the time of inspection or otherwise in the working of the school.

(4) If the manager fails to comply with any direction given under sub-section (3), the Director may, after considering the explanation or report, if any, given or made by the manager, take such action as he may think fit, including, —

- (a) stoppage of aid,
- (b) withdrawal of recognition, or
- (c) except in the case of a minority school, taking over of the school under section 24.

29. *Jurisdiction of civil courts banned.* — No Civil court shall have jurisdiction in respect of any matter in relation to which the Administrator or the Director or any other person authorised by the Administrator or Director or any other officer or authority appointed or specified by or under this Act, is empowered by or under this Act to exercise any power, and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Act.

30. *Protection of action taken in good faith.* — No suit, prosecution or other legal proceeding shall lie against the Administrator, Director or any other person authorised by the Administrator or Director for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

31. *Liability of manager to punishment.* — If the manager of any recognised private school —

- (a) omits or fails, without any reasonable excuse to carry out any orders made by the Tribunal, or
- (b) causes or authorises any student to be presented by the school for any public examination without complying with the provisions of section 23, or
- (c) omits or fails to deliver any school property to the Administrator or any officer authorised by him under sub-section (2) of section 24, or
- (d) contravenes any provisions of the Act or any rule made thereunder, or
- (e) omits or fails to furnish any information to an inspecting authority or furnishes any information to that authority which is incorrect or false in material particulars, or

(f) omits or fails to produce any book, register or other document to the inspecting authority, or

(g) prevents any inspecting authority from entering into the premises of the school or from conducting any inspection or inquiry

he shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees or with both:

Provided that nothing contained in clauses (a) and (c) shall apply to a minority school.

32. *Power to make rules.* — (1) The Administrator may, subject to the condition of previous publication, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —

(a) the manner in which education may be regulated by the Government in the Union territory;

(b) the conditions which every existing school shall be required to comply;

(c) establishment of a new school or the opening of a higher class or the closing down of an existing class in an existing school;

(d) the form and manner in which an application for recognition of a school shall be made;

(e) the facilities to be provided by a school to obtain recognition;

(f) the manner in which, and the authority to which, an appeal against the refusal or withdrawal or recognition shall be made;

(g) the minimum qualifications for, and method of recruitment and the terms and conditions of service of employees;

(h) the authorities to be specified for the purposes of the different provisions of this Act;

(i) the particulars which a scheme of management shall contain, and the manner in which such scheme shall be made;

(j) variations and modifications which may be made in the scheme of management for a recognised school which does not receive any aid;

(k) the conditions under which aid may be granted to recognised schools, and on the violation of which aid may be stopped, reduced or suspended;

(l) the part of the expenditure of a recognised school which is to be covered by aid;

(m) particulars of school property which should be furnished to the appropriate authority;

(n) the form in which, and the time within which, an appeal shall be preferred against an order made in relation to the transfer, mortgage or lien of any school property;

(o) the Code of Conduct for the employees and the disciplinary action to be taken for the violation thereof;

(p) the benefits which should be granted to the employees of recognised private schools;

(q) admissions to a recognised school;

(r) fees and other charges which may be collected by an aided school;

(s) the manner of inspection of recognised schools;

(t) the term of office, travelling and other allowances payable to the members of the Advisory Board;

(u) financial and other returns to be filled by the managing committee of recognised private schools, and the authority by which such returns shall be audited;

(v) educational purposes for which the income derived by way of fees by recognised unaided schools shall be spent;

(w) manner of accounting and operation of schools funds and other funds of a recognised private school;

(x) fees, not exceeding one rupee, for preferring any appeal under this Act;

(y) any other matter which is to be, or may be, prescribed under this Act.

33. Power to remove difficulties.— If any difficulty arises in giving effect to the provisions of this Act, the Government may by order not inconsistent with the provisions of this Act, remove the difficulty.

Provided that no such order shall be made after the expiry of a period of five years from the commencement of this Act.

Statement of Objects and Reasons

At present the recognition of the Middle Schools, control and supervision of the secondary schools and payment of grant-in-aid to the secondary schools, colleges, and other educational institutions except primary schools are being effected through the rules contained in the Grant-in-aid Code framed under Clause 2 of the Goa, Daman and Diu (Administrative) Removal of Difficulties Order, 1962 and subsequent orders and circulars issued by the Government from time to time. However, all these administrative instructions do not have the legal force and the Government cannot enforce many of the decisions as there is no Education Act in this territory to control the same.

It has therefore been thought necessary to have a legislation to supervise and control the school education in this Territory.

Through the present Bill it is proposed:

- (1) to regulate the establishment, recognition, management and payment of grants to the private schools.
- (2) to lay down conditions of admission, affiliation and evaluation in the schools.
- (3) to lay down the terms and conditions which will govern the employees of recognised aided schools so as to give them the necessary security in service.

- (4) to take over the management of the defaulting schools for a limited period, whenever the management fails to perform the duties imposed upon them under the Act.

It is also proposed to constitute an Advisory Board to advise the Government on various aspects of education.

The Bill is based on similar legislation which is in force in the Union territory of Delhi.

Financial Memorandum

The establishment of schools and the distribution of aid to the private recognised schools are at present governed under G. I. A. Code for Secondary Schools, Colleges and other institutions, except primary schools and subsequent orders issued by the Government from time to time. Since the G. I. A. Code is an executive order, it is proposed to enact Goa, Daman and Diu Education Act. Clause 8 of the Bill lays down the rules for the establishment of Government schools and permission for opening private schools. Clause 11 of the Bill lays down formalities regarding the payment of grants to the private schools. Since these clauses replace equivalent provision laid down in the G. I. A. Code, there will be no extra financial liability due to the enactment of the Act on this account.

Clause 24 of the Bill envisages taking over of the management of sick schools by the Government. However, these schools will be run by an authorised officer from the grant-in-aid payable for the running of the schools. This Grant-in-aid will be paid to the officer instead of to the management and as such, will not involve any additional financial liability.

Clause 26 of the Bill envisages the establishment of the Advisory Board to advise the Government. This Advisory Board will naturally replace the present Education Council and whatever T. A./D. A. was being paid to the members of the Education Council will be diverted for the payment of T. A./D. A. to the members of the Advisory Board. The establishment of the Statutory Advisory Board will therefore not have any extra liability.

The Bill on the whole has therefore no extra financial liability.

Memoranda on Delegated Legislation

Clause 32 of the Bill enables the Administrator to frame Rules under the Act. This delegation is of normal character.

FRANCISCO CAETANO SARDINHA

Panaji,

Minister for Education

15th October, 1980.

Assembly Hall,

M. M. NAIK

Panaji,

Secretary to the Legislative
Assembly of Goa, Daman and Diu

15th October, 1980.

LA/B/7/1482/80

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 15th October, 1980 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

**The Goa, Daman and Diu Municipalities (Sixth
Amendment) Bill, 1980
(Bill No. 28 of 1980)**

**A
BILL**

further to amend the Goa, Daman and Diu Municipalities Act, 1980.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-first Year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Goa, Daman and Diu Municipalities (Sixth Amendment) Act, 1980.

(2) It shall come into force at once.

2. Amendment of section 85.— In section 85 of the Goa, Daman and Diu Municipalities Act, 1968 (7 of 1969), in sub-section (3), in clause (a), for the words "Deputy Collector", the words "any Revenue Officer not below the rank of Survey and Settlement Officer" shall be substituted.

Statement of Objects and Reasons

Section 14 of the Land Revenue Code confers powers on the Collector or Survey Officer to conduct the enquiry in respect of land within the limit of Municipal area whereas under Section 85 of the Municipalities Act, Collector and Deputy Collector and not any other Survey Officer is empowered to conduct such inquiry. Under the circumstances it is felt necessary to amend Section 85 of the Municipalities Act so as to bring it in line with Section 14 of the Land Revenue Code by empowering both the Collector or any other Survey Officer to conduct the inquiry.

Financial Memorandum

No additional financial implications are involved on account of the above amendment to Section 85.

Panaji, DAYANAND G. NARVENKAR
13th October, 1980. Minister for Local Administration

Assembly Hall, M. M. NAIK
Panaji, Secretary to the Legislative
13th October, 1980. Assembly of Goa, Daman and Diu

(Annexure to Bill No. 28 of 1980)

**The Goa, Daman and Diu Municipalities (Sixth Amendment)
Bill, 1980**

The Goa, Daman and Diu Municipalities Act, 1968
(Act No. 7 of 1969)

85. Decision of claims to property by or against the Council.
— (3)(a) The powers conferred by this section on a Collector may also be exercised by Deputy Collector;

(b) the inquiry referred to in this section shall be conducted in accordance with the provisions relating to conduct of formal inquiry or inquiry contained in any relevant law for the time being in force in the Union territory.

Panaji, M. M. NAIK
Assembly Hall, Secretary to the Legislative
13th October, 1980. Assembly of Goa, Daman and Diu.

Law Department (Establishment)

Corrigendum

1/7/79-LD(EST)

Read: Government Order No. 1/7/79-LD (ESTT) dated 29-7-1980.

In first para of the Government Order No. 1/7/79-LD(ESTT) dated 29-7-1980 published in the Official Gazette, Extraordinary, No. 20, Series I, dated 18-8-1980, the word "Additional" appearing after the name V. R. Guinde shall be substituted by the word "Assistant".

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

Dr. M. K. Mishra, Law Secretary.

Panaji, 1st October, 1980.